

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Twyla King,

Plaintiff,

v.

Case No. 20-10400

National Professional Staffing, LLC, *et al.*,

Sean F. Cox

United States District Court Judge

Defendants.

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ORDER REGARDING
PENDING AND DISPOSITIVE MOTIONS

On February 14, 2020, Plaintiff Twyla King filed a “Collective Action Complaint,” asserting claims under the federal Fair Labor Standards Act (“FLSA”) against the following four Defendants: 1) National Professional Staffing, LLC; 2) Prudential Security, Inc. (“Prudential”); 3) Carol Douglas; and 4) Derek Wroblewski.

After a scheduling conference with the parties, the Court issued a Scheduling Order on October 22, 2020, with the dates requested by the parties. Those dates include a discovery deadline of June 25, 2021, and a deadline of August 27, 2021, for filing dispositive motions.

As the Sixth Circuit has noted, the “FLSA’s silence” as to “how collective actions should work” has “left trial courts to develop a method for managing collective actions.” *Taylor v. Pilot Corp.*, 697 F. App’x 854, 857 (6th Cir. 2017). “Courts typically bifurcate certification of FLSA collective action cases. At the notice stage, conditional certification may be given along with judicial authorization to notify similarly situated employees of the action.” *Monroe v. FTS USA, LLC*, 860 F.3d 389, 397 (6th Cir. 2017). Then, “[o]nce discovery has concluded, the

district court – with more information on which to base its decision and thus under a more exacting standard – looks more closely at whether the members of the class are similarly situated.” *Id.*

The Scheduling Order requested by the parties, however, did not follow that approach and there are several motions currently pending in this case, including Plaintiff’s Motion for Conditional Certification, Plaintiffs’ motion asking this Court to reconsider its ruling on her motions seeking leave to file motions to compel, and Defendant Prudential’s Emergency Motion Regarding Dispositive Motions.

Plaintiff’s Motion for Conditional Certification is now being briefed. The Court intends to hear and determine that motion before considering any other motions in this case and shall hold a status conference with the parties once it has done so. As such, the Court **ORDERS** that Defendant Prudential’s emergency motion is **GRANTED**, to the extent that the deadline for filing dispositive motions shall be reset by the Court after the Court rules on the Motion for Conditional Certification.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 23, 2021